

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

**JUSTIN GREGORY,
Plaintiff**

v.

**COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,
Defendant**

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No. 9:16-CV-00005

**ORDER OVERRULING OBJECTIONS AND ADOPTING
REPORT AND RECOMMENDATION**

The Plaintiff requests judicial review of a final decision of the Commissioner of Social Security Administration with respect to his application for disability-based benefits. This matter has been referred to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge submitted a report recommending that the decision of the Commissioner be affirmed. The court has considered the report and recommendation filed on March 7, 2017 (Doc. No. 22) and the Plaintiff's objections. (Doc. No. 23.) The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* Fed. R. Civ. P. 72(b). After careful consideration, the court concludes that the Plaintiff's objections are without merit.¹ The court concludes that the magistrate judge correctly identified and discussed the points of error argued by

1. The Plaintiff's objection to the Report and Recommendation does not take into account that the ALJ set forth numerous reasons for giving little weight to the treating physician's opinions under the statutory analysis of 20 C.F.R. § 416.927, and considered: the lack of evidence to support the substantial physical impairments found in Dr. Clark's statement, Dr. Clark's own treatment notes showed normal exam findings throughout the treatment relationship, Plaintiff lacked treatment for seizures, but for the one prescription that was discontinued, his opinion was contradicted by the state agency medical consultants, and the additional, primarily cumulative, medical records submitted to Appeals Council were also considered by the Magistrate Judge. The ALJ and Magistrate Judge applied the correct standard in assessing the evidence, assigning little weight, not rejecting the treating physician's opinions altogether as suggested by Plaintiff. The ALJ sets out the proper legal standard of disability under the Act in her decision and the agency's five step sequential evaluation process for evaluating disability under the Act.

plaintiff and analyzed those points correctly. The magistrate judge properly examined the entire record to determine that substantial evidence supports the administrative law judge's determination of weight accorded to medical evidence and the Commissioner's denial of benefits.

Accordingly, all of the Plaintiffs objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

So ORDERED and SIGNED this 29th day of March, 2017.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge